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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,938	01/23/2001	Katherine E. Hayes	D/A0643	1463
	7590	06/06/2005	690-009608-US(PAR)	
Ralph D. Gelling, Esq. Perman & Green, LLP 425 Post Road Fairfield, CT 06430			EXAMINER NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/767,938

Applicant(s)

HAYES ET AL.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9-13, 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Detailed Action

### DETAILED ACTION

This communication is responsive to amendment filed on December 03, 2004.

Applicant cancels claims 2, 8, 14, amends claims 1, 7, 9-13, 15-20.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 3-7, 9-13, 15-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, question is raised on whether the customized tone reproduction curves, combined with the original color image, are from the set of customized tone reproduction curves stored in the customization memory or not since the user enter data relative to customized tone reproduction curves but the customization processor receives the data entered by the user and generates at least one set of customized tone reproduction curves. Clarification is needed since we have “at least one set of customized tone reproduction curves” and “tone reproduction curves” previously mentioned in the claim but no “customized tone reproduction curves”. The same with “at least one set of calibration tone reproduction curves and “said calibration tone reproduction curves”. Does “said calibration tone reproduction curves” mean **all** the calibration tone reproduction curves in the at least one set of calibration tone reproduction curves? In

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addition, clarification on “said processors” is needed. Are the processors the image processor and the customization processor comprised in the customization manager?

Regarding claim 7, the color image data in “adjusting said color image data”, in line 6, is the original color image data or the customized color image data? The same with claim 1, question is raised on whether the customized tone reproduction curves, combined with the original color image, are from the set of customized tone reproduction curves stored in the customization memory or not since the user enter data relative to customized tone reproduction curves but the customization processor receives the data entered by the user and generates at least one set of customized tone reproduction curves. Clarification is needed since we have “at least one set of customized tone reproduction curves” and “tone reproduction curves” previously mentioned in the claim but no “customized tone reproduction curves”. In the preamble of the claim, the color maintenance processor combines **a plurality of calibration tone curves** with **color image data** while in the body of the claim, the color maintenance processor combines **one of the calibration tone reproduction curves** with **the customized color image data**. Does “said calibration tone reproduction curve” mean one of the calibration tone reproduction curves? In addition, clarification on “said processors” is needed. Are the processors the image processor and the customization processor comprised in the customization manager?

Regarding claim 13, clarification on “color image data” in lines 4-5, “said image data” in line 5, “said said color image data” in line 18. The same with “customized tone reproduction curves” in lines 6-7, “one set of customized tone reproduction curves” in line 14, “said customized tone reproduction curves” in line 15 and “said customized curves” in line 18.

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3. Claim 1 recites the limitation "said processor" in line 20. There is insufficient antecedent basis for this limitation in the claim since the customization manager comprises only one processor (customization processor).

4. Claim 7 recites the limitations "said customized tone reproduction tone reproduction curves" in lines 16-17, "said processors" in line 18, "said original color image data" in line 19, "said calibration tone reproduction curve" in line 23. There is insufficient antecedent basis for these limitations in the claim since the customization manager comprises only one processor (customization processor) and there is no distinction between "color image data", "original color image data" and "customized color image data". The same with "at least one set of customized tone reproduction curves", "said customized tone reproduction curves" and "said calibration tone reproduction curve".

5. Claim 13 recites the limitations "said image data" in line 5, "said customized tone reproduction curves" in line 15, "said customized curves" in line 18, "said said color image data" in line 19, "said calibration tone reproduction curves" in line 22, "said data" in line 24. There is insufficient antecedent basis for this limitation in the claim since the customization manager comprises only one processor (customization processor).

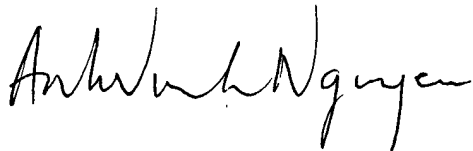
### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

May 27, 2005